

PLAN AND ZONING COMMISSION MEETING

May 26, 2015

Direction: CITY1352.DSS

Chairperson Erickson called the regular meeting of the Plan and Zoning Commission to order at 5:32 p.m. on Tuesday, May 26, 2015, in the Council Chambers of the West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines.

Roll Call: Andersen, Brown, Crowley, Erickson, Hatfield, Southworth.....Present
Costa.....Absent

Item 1 - Consent Agenda

Item 1a - Minutes of the meeting of May 11, 2015

Chairperson Erickson asked for any comments or modifications to the May 11, 2015 minutes.

Moved by Commissioner Crowley, seconded by Commissioner Andersen, the Plan and Zoning Commission approve the minutes of the May 11, 2015 meeting.

Vote: Andersen, Brown, Crowley, Erickson, Hatfield, Southworth.....Yes
Costa.....Absent

Motion carried.

Item 2 – Public Hearings

Item 2a – Grand Lakes PUD, West side of Grand Avenue at the Raccoon River Park Entrance – Amend the Comprehensive Plan for PUD Parcel B from Support Commercial (SC) to Neighborhood Commercial (NC) land use designations and amend the Eight Ways PUD for Single Family development and detention basin improvements – Diligent Grand Avenue 67, LLC – CPA-002640-2015/ZC-002622-2015 (REQUEST BY STAFF TO BE DEFERRED TO JUNE 8, 2015)**

Chairperson Erickson asked for a motion and second to defer Item 2a to amend the Comprehensive Plan and Eight Ways PUD to the June 8, 2015 Plan and Zoning Commission meeting.

Commissioner Costa joined the meeting at 5:34 pm and roll was retaken.

Roll Call: Andersen, Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Present

Moved by Commissioner Crowley, seconded by Commissioner Brown, the Plan and Zoning Commission defer Item 2a to the June 8, 2015 Plan and Zoning Commission meeting.

Vote: Andersen, Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Item 2b – Jordan West Specific Plan Amendment, SW corner of E.P. True Parkway and Jordan Creek Parkway – Amend the Jordan West Specific Plan Ordinance to allow a mix of uses including retail, office, restaurants, hotel, convenience store, and medium density residential – Ryan Companies, US, Inc. – ZCSP-002558-2014 (REQUEST BY APPLICANT TO BE DEFERRED TO JUNE 8, 2015)**

Chairperson Erickson asked for a motion and second to defer Item 2b to amend the Jordan West Specific Plan to the June 8, 2015 Plan and Zoning Commission meeting.

PLAN AND ZONING COMMISSION MEETING

May 26, 2015

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission defer Item 2b to the June 8, 2015 Plan and Zoning Commission meeting.

Vote: Andersen, Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Item 2c – 7920, 8120, and 8180 Ashworth Road and undeveloped property immediately south of 8220 Ashworth Road (not including 8220 Ashworth Road) – City initiated – Amend the Comprehensive Plan Land Use Map to change approximately 10.7 acres from Office (OF) to Single Family Residential (SF) and consistency zone the property to Single Family Residential (R-1) and rezone approximately 3.5 acres from Residential Single Family (RS-20) to Single Family Residential (R-1) – CPA-002628-2015/ZC-002629-2015

Chairperson Erickson opened the public hearing and asked the Recording Secretary to state when the public notice was published. The Recording Secretary indicated that the notice was published in the Des Moines Register on May 15, 2015.

Chairperson Erickson asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Commissioner Costa, seconded by Commissioner Andersen, the Plan and Zoning Commission accept and make a part of the record all testimony and all other documents received at this public hearing.

Vote: Andersen, Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Planner Portz provided that the properties on Ashworth Road currently have an Office designation on the Comprehensive Plan. Due to development that has occurred surrounding these properties, the request is to change Office to Single Family Residential and zone for consistency. Also, the vacant property to the south of 8220 Ashworth Road will go from RS-20 to a RS-1 designation and become part of the Creekside Glynn development.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, closed the public hearing and asked for continued discussion or a motion.

Comprehensive Plan

Moved by Commissioner Costa, seconded by Commissioner Crowley, the Plan and Zoning Commission approve a resolution recommending the City Council approval of the Comprehensive Plan Land Use Map amendment for approximately 10.7 acres located at 7920, 8120, and 8180 Ashworth Road from Office (OF) to Single Family Residential (SF).

Vote: Andersen, Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Rezoning

Moved by Commissioner Hatfield, seconded by Commissioner Costa, the Plan and Zoning Commission approve a resolution recommending City Council approval of the Rezoning to consistency zone the 10.7 acre property to Single Family Residential (R-1) and rezone approximately 3.5 acres from Residential Single Family (RS-20) to Single Family Residential (R-1).

Vote: Andersen, Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Item 3 – Old Business

There were no Old Business items on the agenda.

Item 4 – New Business

Item 4a - Aspen Valley (fka Brody Place Estates), Southeast corner of Ashworth Road and future 84th Street – Subdivide property into fifty-nine lots, four (4) street lots, and three (3) outlots for construction of a single family residential development – Arrow Properties, LLC - PP-002641-2015

Chris Thompson, Cooper Crawford & Associates, LLC, 475 S. 50th Street, West Des Moines, representing the applicant, requested preliminary plat approval to subdivide the property located at the southeast corner of Ashworth Road and future 84th Street into fifty-nine lots for single family development. He stated that the 84th Street alignment and large culvert issues have been addressed and no longer impact the property.

Mr. Thompson expressed agreement with all of staff's conditions of approval.

Ed Arp, Civil Engineering Consultants, representing Creekside Glynn LLC, stated that Creekside Glynn owned the property directly to the east of the proposed project. Early on, several concepts of the property were provided to the client which included lot layouts, road alignments, detention, etc. Mr. Arp mentioned the extensive drainage problems that have occurred at Ashworth Road and 81st Street indicating that his client was not in agreement with some of the connection points, and that the alignment of Aspen Drive could be modified to the betterment of both properties. He also expressed that due to the grading differences between the two properties, the connection point shown did not match. Mr. Arp requested time to review the alignment, storm water management plan for releasing water, and how the grading would work between the two properties.

Mr. Johnson responded that the major issue is that the elevation and alignment have been the same since the Brody Place proposal. They would prefer that the development not be delayed so that grading could begin next week.

Director Twedt described where Creekside Glynn and Aspen Valley were located and displayed the plan that staff has been reviewing until just recently showing the two developments working together. The applicants were recommended to work together to agree on a solution that works for both parties involved. The alignment shown for Aspen on the latest plan could potentially work; however, since construction plans have not yet been submitted, the design of Aspen to design standards has not yet been reviewed. The two issues that have arisen regarding this proposal include the design standards for the road and the storm water management for the area. There are two options available to the Commission at this time: 1) defer action on the Aspen Valley plat entirely, or 2) approve a grading plan with the condition that the applicant acknowledges that the work is being done at their own risk until such time that the storm water management and road alignments are resolved, and that any grading done may have to be modified. Aspen Valley could still return with a revised preliminary plat that could include a revised grading plan.

Mr. Johnson expressed that the option proposed by Ms. Twedt to remove the grading plan from the preliminary plat and approve it separately, knowing that it is at their own risk, would be acceptable as it would allow them to move forward with the project.

Chairperson Erickson asked if anyone from the audience would like to speak to this item.

Paul Filean, 8085 Ashworth Road, stated his concern with the drainage in the ditches located in the front of his property that occurs on both sides of the street. He expressed that the two property owners need to work together for a solution, and that this item should be deferred until they come up with a solution.

Principal Engineer, Brian Hemesath, assured Mr. Filean that the drainage issues would be addressed with the widening of Ashworth Road from Jordan Creek Parkway to 81st Street, which is a part of the capital budget for next year. Engineering staff will be working with the consultants on drainage to the south that will ultimately resemble a standard urban cross-section, excluding the ditches. Staff will focus on the storm sewer design to make sure that the drainage issue is resolved.

Chairperson Costa raised questions regarding generation of fill and closure of Ashworth Road. Engineer Hemesath responded that the roadway will likely be lowered which will generate soil for the ditches.

Chairperson Erickson commented that Mr. Filean was concerned that the situation would be made worse with the widening of Ashworth Road and asked for Engineer Hemesath's opinion if a scenario exists that would negatively impact Mr. Filean. Engineer Hemesath responded that he did not believe that such a scenario existed.

Jerry Bussanmas, 950 65th Street, West Des Moines, explained that he is a partner of the Creekside Glynn development, and that there are plans for a detention pond on the north end of the site and one proposed for the south end, as well. The south end detention pond became necessary through the study when determining where the storm water was originating. The detention pond on the north end solves the problems and issues that originated to the north. The road alignments don't match because the street needs to be moved south a bit, and Mr. Bussanmas acknowledged that they need assistance from staff in doing it correctly.

Commissioner Costa asked if Ashworth Road would be closed during the construction. Mr. Hemesath replied affirmatively that detours would be located in the appropriate places.

Commissioner Hatfield stated that with the recent rains it may be awhile before grading can take place so he was inclined to defer the item for two weeks to allow the two parties to resolve the grading issues.

Moved by Commissioner Hatfield, seconded by Southworth, the Plan and Zoning Commission adopt a resolution recommending that this item be differed two weeks to the June 8, 2015 Plan and Zoning meeting.

Vote: Costa, Hatfield, Southworth.....Yes
Andersen, Brown, Crowley, Erickson.....No
Motion failed.

Commissioner Andersen commented that she could support grading at their own risk since this type of action has been allowed in the past, and that it would be in the best interests of the City and its citizens to let them resolve the issues.

Moved by Commissioner Andersen, seconded by Brown, the Plan and Zoning Commission adopt a resolution recommending that action be deferred on the Preliminary Plat to the June 8, 2015 Plan and Zoning meeting, but that the applicant be allowed to conduct grading with the applicant acknowledging as a condition of approval that any grading activities would be at the applicant's own risk and any modifications necessary to ensure that public street designs and appropriate storm water management measures necessary per City standards can be implemented.

Vote: Andersen, Brown, Costa, Crowley, Erickson, Southworth.....Yes
 Hatfield.....No
 Motion carried.

Item 4b – Grand Valley Plat 1, Northeast corner of S. 35th Street and Grand Avenue – Plat property into 21 single family lots, 17 outlots, and 2 street lots – CRVP, LLC - PP-002624-2015

Bob Gibson, Civil Design Advantage, 3405 SE Crossroads Drive, Grimes, representing CRVP, LLC, highlighted the project noting that a PUD request for this area was before the Commission in December 2014. The 34.5 acre property is located at the northeast corner of S. 35th Street and Grand Avenue. The request is to plat 20 single family lots with several outlots. He clarified that the staff report indicates 21 lots due to an error on the applicant's part, and that it is actually 20 lots. He also noted that the ownership is not CRVP, LLC anymore, but that it is actually Engle Associates. Mr. Gibson concluded that the applicant is in agreement with all of staff's recommendations and conditions.

Brad Munford, Planner, briefly commented that the ownership of this property is the same group previously mentioned, and that it has not yet been sold at this point.

Mr. Gibson noted that all the property is owned by the Ver Ploeg family, but that a separate entity was created to act as the developer.

Commissioner Costa inquired of Mr. Gibson if the applicant is content with having the outlots tied into the sale of the original lot to avoid issues. Mr. Gibson replied that other than the primary lot which is buildable, the remaining lots are not buildable due to the 100-year flood plain restrictions.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Hatfield, seconded by Commissioner Erickson, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Grand Valley Plat 1 Preliminary Plat to create twenty (20) single family, 17 outlots, and two (2) street lots, subject to the applicant meeting all City Code requirements and the following:

1. Prior to initiation of any site activity, including grading, the applicant providing final drawings which addresses staff comments.
2. Prior to any grading or site work, a copy of the Storm Water NPDES General Permit No. 2, authorized by the Iowa Department of Natural Resources, shall be submitted to either the Chief Building Official rod.vangenderen@wdm.iowa.gov or the assigned planning case advisor (facsimile to 515-273-0602).
3. The applicant executing appropriate legal documents requiring the sale of the associated outlot adjacent to lots 10 through 20 with the main dwelling lot, restricting the sale of the main lot separate from the outlot, and binding responsibilities for maintenance to the associated lot or an established association.
4. The applicant including a note on the Final Plat indicating that no structures which could impact storm water management measures of the outlot or impede water flow/drainage, including but not limited to, sheds, gazebos, solid fences, and play structures, be located within the outlot.

5. The applicant receiving City approval of Public Improvement Construction Plans for all public improvements prior to initiation of construction. Additionally, the applicant acknowledging that public improvements must be constructed and accepted by the city prior to issuance of any occupancy permits, including temporary occupancy permits for any dwelling within the plat.
6. The applicant acknowledging that the outlots indicated for future development will need to be replatted through the City's Preliminary and Final Plat Subdivision process prior to development of any kind, including grading activities. Applicant acknowledging that the associated Final Plat must be approved by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat.
7. Applicant providing suitable access roads to the satisfaction of the City's Fire Marshal prior to issuance of any building permits for above ground construction.

Item 4c – West Lakes Office Park Plat 14, Southwest corner of University Avenue and 71st Street – Plat property into two lots for commercial development, two street lots, and one outlot for detention – Hy-Vee, Inc. – PP-002592-2015

Ed Arp, Civil Engineering Consultants, 2400 86th Street, Des Moines, representing Hy-Vee, Inc., requested preliminary plat approval for approximately 20.9 acres located at the southwest corner of University Avenue and 71st Street. An abundance of excess ground exists around the store, and there is no desire to develop the property, but there is interest to sell. The request is to plat the lot and upgrade the detention facilities to current regulations. Mr. Arp concluded that the applicant is in agreement with all of staff's recommendations and conditions of approval.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the West Lakes Office Park Plat 14 Preliminary Plat to create two (2) lots for commercial development, two (2) street lots, and one (1) outlot for storm water detention, subject to the applicant meeting all City Code requirements and the following:

1. Prior to initiation of any site activity, including grading, the applicant provide final drawings which addresses staff comments.
2. Applicant acknowledging that the associated Final Plat must be approved by the City and recorded with the County prior to the issuance of any building permits, including footing and foundation permits for any lot within the plat.
3. Applicant providing suitable access roads to the satisfaction of the City Fire Marshal prior to issuance of any building permits for above ground construction.

Vote: Andersen, Brown, Costa, Crowley, Erickson, Hatfield, Southworth.....Yes
Motion carried.

Item 4d – Platinum Pointe Townhomes (fka Whisper Ridge Townhomes), southwest corner of Bridgewood Boulevard and S. 88th Street – Subdivide the property into 66 postage stamp lots, 2 street lots, and one outlot for common area and storm water detention and allow the construction of a 66-unit attached town home development – Hale Development Company, LLC – PP-002567-2014/SP-002568-2014

Steve Venard, Bishop Engineering Company, 3501 104th Street, Urbandale, representing Hale Development Company, requested preliminary plat approval to create 66 postage stamp lots and site plan approval for the construction of 66 attached townhomes and associated site improvements for property located west of 88th Street between Bridgewood Boulevard and Rockwood Lane. The property was originally known as the Whisper Ridge Townhomes. The layout includes 66 units, three (3) units per building in 22 buildings. Mr. Venard referred to the green space area in the northeast corner of the site where the majority of the storm water detention will occur. Buffer yard requirements have been met and will occur on three (3) sides of the property which recently went through a PUD amendment request.

Mr. Venard explained that the applicant is in agreement with all of staff's recommendations and conditions of approval with the exception to #3 regarding the five (5) foot setback to the foundation wall. The design of the units includes a 12-inch roof overhang which creates an issue; therefore, the applicant would like language regarding the roof overhang to be removed from the condition.

Planner Munford clarified that the PUD language indicates a minimum 15 foot separation between the primary structures measured from the foundation and a five foot separation between closest elements as illustrated in the staff report (Page C2.1). That condition in the staff report should reflect the same language as what the PUD states. He continued that the Commission reviewed the PUD request in April. Mr. Munford concluded by reviewing the conditions of approval which included architectural variations to the facade, avoidance of duplication of facade adjacent, 15 foot building separation requirements, and acknowledgement that public infrastructure needs to be completed prior to final occupation.

Ms. Twedt clarified that condition #3 should have indicated that the lot line is to be five (5) feet from the foundation.

Chairperson Erickson asked if anyone from the audience would like to speak to this item; seeing none, asked for continued discussion or a motion.

Moved by Commissioner Costa, seconded by Brown, the Plan and Zoning Commission adopt a resolution recommending the City Council approve the Preliminary Plat to create 66 postage stamp lots and approve the Site Plan to allow the development of a 66-unit townhome development and associated site improvements, with a modification to condition #3 to make the language consistent with the PUD, subject to the applicant meeting all City Code requirements and the following:

1. The applicant agreeing to implement enhanced architecture on those building facades that have been identified to be highly visible.
2. The applicant agreeing to vary the design, style and colors of adjacent units so as to avoid duplication of same units adjacent to one another.
3. In compliance with the PUD, a minimum of five feet (5') as measured from the lot line of the postage stamp lot to the closest element of the dwelling building, including roof overhangs, bump-outs, bay windows, etc. shall be provided; and
4. The applicant acknowledging that the public improvements associated with the adjacent streets (S88th Street and Rockwood Lane/Coachlight Drive), as well as public sidewalks and streetlights, will need to be completed prior to the issuance of any Final Occupancy permits.

Item 5 – Staff Reports

There were no staff reports presented.

Item 6 - Adjournment

Chairperson Erickson asked for a motion to adjourn the meeting.

Moved by Commissioner Andersen, seconded by Commissioner Brown to adjourn the meeting.

The meeting adjourned at 6:15 p.m.

Craig Erickson, Chairperson
Plan & Zoning Commission

Kimberly Taylor, Recording Secretary